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Testimony – Planning and Development Re: Raised Bill 304

Mr. Chairman and members of the Committee: Thank you for this opportunity to address you.

My name is David Bingham. For ID purposes, I am a director on various boards, including the CT Chapter of the Sierra Club, Audubon CT, the Rivers Alliance, the League of Conservation Voters, and the Salem Planning and Zoning Commission. I am testifying today on my own behalf, as a citizen-advocate for the environment, in opposition to Raised Bill 304, as written. I also testify on behalf of Robert Fromer, an environmental consultant.

Mr. Fromer and I have been involved with legal appeals to transfers of properties by the State due to the inadequate protection of natural resources that occurs when the State relinquishes its ownership and stewardship of land when it is transferred to municipalities or to private interests.

Under the CT Environmental Protection Act (CEPA), any development by the State requires the State to protect its natural resources on land it develops. CEPA involves a process of environmental impact evaluation (EIE) of any proposed development project. The EIE assures a process to identify natural resources that occur on the land to be developed, explores alternatives that minimize adverse environmental impacts, and provides mitigation for impacts that are likely to occur. This process balances the State's interest in the benefits of the development project with the State's interest in maintaining a sustainable environment.

However, when the State sells parcels to municipalities or to private parties, the State at times places at risk sensitive environmental areas on those parcels, because local zoning regulations do not include a process comparable to CEPA to protect the State's interest once a sale has occurred.

Section 4b-47 of the General Statutes provides that transfers of State land are not carried out without opportunity for public comment to raise awareness of possible state interest in natural resources. Paragraph (c)(7) waives this requirement for some parcels of less than 10 acres, and Raised Bill 304 seeks to widen this loophole in the bill.

Small parcels often harbor sensitive resources that the State is obliged to protect. Examples include vernal pools, riparian corridors, wetlands, and threatened or endangered habitats. Public notice and the opportunity to comment will help ensure better planning, and help avoid litigation under CEPA.

A simple remedy to the bill is to strike paragraph (c)(7) entirely, so that all transfers, no matter how small and from what agency, are treated with the same due care, to ensure smart growth and a sustainable environment going forward. The alternative is to invite litigation after the fact, which may delay or even deter what otherwise may be very appropriate development.

– DBB 3/5/10